

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Applicant appreciates the allowance of claim 10-20.

New claims 21 and 22 have been added by amendment herein.

Claims 1-6 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,125,641 to Kim et al. (hereinafter “Kim”). Claims 7-9 were rejected under 35 U.S.C. 103(a) over Kim in view of U.S. Patent No. 6,055,820 to Jeong et al. (hereinafter “Jeong”). Claim 5 has been amended to better distinguish from the prior art. For the following reasons, the rejections are respectfully traversed in part and have been overcome by amendment in part.

Regarding claim 1, Kim does not teach or suggest that “if the controller determines that the door has remained closed for a set number of refrigeration cycles, the controller maintains the damper in the closed position during a *subsequent* off cycle. Similarly, regarding claim 5, Kim does not teach or suggest that “if the controller determines that the door has remained closed for a set period, the controller closes and/or maintains the damper in the closed position *during a subsequent operation of a refrigeration apparatus*,” as required. In Kim, the baffles (22, 22a) are controlled in response to the opening of the chilling room door (see steps S22-S26). As described in column 6, lines 33 to 49, when the sensed outside temperature Tout indicates that the door is open, the baffles (22, 22a) may be opened in order to cool of the chilling room. The Examiner reasons that the converse must therefore be true, that if the door is not opened, the baffles will be kept closed. However, Applicant respectfully submits that this is faulty logic

since there is no disclosure in Kim that the baffle cannot be opened for other reasons, such as for cooling the chilling room. Further, even if the Examiner's reasoning was correct, the aforementioned control of the baffles (22, 22a) in response to the door opening relates to contemporaneous control of the baffles (22, 22a), and moreover, the present detection of the door opening is not used to control the baffles (22, 22a) during *subsequent* off cycles.

Further, regarding claims 1 and 5, the Examiner states that Kim discloses having the damper "closed when the temperature rises due to the fresh air coming in from the outside enabling the ice melt and defrosting the damper." Applicant respectfully disagrees. Kim teaches that the baffles (22, 22a) are *opened* and the fan is operated if the door *is open* in order to minimize temperature deviation around the baffles (22, 22a) thereby preventing ice formation. In fact, with the exception of mentioning the use of defrost heaters in the background section, Kim relates only to ice prevention and teaches nothing of melting ice on the baffles once it is formed.

For all of the above reasons, Kim does not teach or suggest every limitation of claims 1 and 5 as required. Thus, claim 1 and dependent claims 2-4 and 6 are patentable over the prior art of record. Further, Jeong does not teach or suggest the aforementioned deficiencies of Kim. Thus, for the same reasons as with claims 1 and 5, claim 7 and dependent claims 8-9 are patentable over the prior art of record.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/643,388
Amdt. Dated June 28, 2004
Reply to Office action of April 2, 2004

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35799.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: June 28, 2004